

Attorney Docket No.: 2024.44

### DECLARATION AND POWER OF ATTORNEY

We, (a) Steve Hudgens, (b) John D. Davis, (c) Thomas J. McIntyre, (d) John C. Rodgers and (e) Keith K. Sturcken declare that we are citizens of the United States of America, residing respectively at:

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that we verily believe that we are the original and first inventors of the invention entitled:

### PROGRAMMABLE RESISTANCE MEMORY ELEMENT WITH INDIRECT HEATING

the specification and claims of which were filed on September 05, 2003, as application Serial No. 10/655,975, that we have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above; that we acknowledge our duty to disclose information of which we are aware is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a); and that no application for patent or inventor's certificate of this invention has been filed in any country foreign to the United States of America prior to this application by us or our legal representative or assigns, except as follows: NONE.

I hereby appoint the following attorneys or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Schlazer	Reg. No. 42,127
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Each undersigned declarant declares that all statements made herein of declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4/6/04

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